

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-7 are currently pending. Claims 1-7 are independent. Claim 5 is amended to overcome the objections in the Office Action. No new matter has been introduced. Support for this amendment is provided throughout the Specification as originally filed. The claims are otherwise not amended.

Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. CLAIM OBJECTIONS

Claim 5 is amended to overcome the objections stated in the Office Action. The amendment clarifies that the invention includes a second control means to control the second input/output means. The second control means is responsive for inputting to the second input/output means (1) a command for searching a profile from said second input/output means and for (2) outputting the profile information indicating the profile copied with by said second picture processing means, as search results, to said data transmission device.

The profile information denotes the type of the picture data that can be copied with by the printing device. Par. [0098].

III. REJECTIONS UNDER 35 U.S.C. §103

Claims 1-7 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,018,816 to Tateyama in view of U.S. Patent No. 6,460,635 to Kwon et al. (hereinafter, merely “Kwon”). Applicants respectfully traverse this rejection.

Independent claim 1 recites, *inter alia*:

“control means for controlling said input/output means to transmit to said data source side the profile information indicating a profile copied with by said picture processing means, as search results, responsive to the inputting of a command for searching a profile to said input/output means . . .” (emphasis added).

The Office Action asserts that Kwon teaches the emphasized feature at column 5, lines 10-11. The Office Action notes, “protocol is being interpreted as equivalent to profile.” The Office Action also states (page 4, last full paragraph), “to have a communication between the receiver and the transmitter to agree on a common protocol to use. The motivation for doing this would have been to figure out what speed and protocol to use . . .”

Protocol is a term of art as used in the cited references and generally refers to, “a set of rules, procedures or conventions related to format and timing between two devices.” Newton’s Telecom Dictionary 16th Ed. (2000). This definition is consistent with the usage in the Tateyama reference (col. 7, lines 23-26) and the Kwon reference (col. 2, lines 11-27). The interpretation of “protocol” in the references as equivalent to “profile” is a misinterpretation of the term “profile” as used in the claim language.

In contrast, in the present invention, “profile” is defined in the specification: “The profile information denotes the type of the picture data that can be coped with by the printing device (5).” Par. [0098]. The Applicants have defined the “profile information.” *Phillips v. AWH Corp.*, 363 F.3d 1207 (Fed. Cir. 2004); *Vitronics Corp. v. Conceptronic, Inc.*, 90 F.3d 1576, 1582 (Fed. Cir. 1996). It can not be re-defined in the Office Action. “Profile” clearly is not “a set rules, procedures or conventions.”

The profile information may be transmitted/received in a packet according to a protocol but the profile information is not the protocol. The profile information is stated by the data input unit (31) as shown in FIG. 10 and input as a response packet to the data conversion unit (13). The data conversion unit (13) recognizes the profile coped with by the printing device (5). The data conversion unit (13) is responsive to the contents stated in the operand of the reference picture indicating the search result to recognize the image size and the image type (image format type) supported by the printing device (5). Pars [0099]-[0100]. Thus, it is possible to recognize the image size and the image type supported by the printing device (5) at the outset by transmitting a command packet to check into the profile type supported by the printing device (5), while it is possible to recognize plural supporting states, such as the image size or the image type to acquire the profile of the printing device (5). Par. [0164].

Claim 1 is patentable over the Tateyama, Kwon and Watts references because those references taken either alone or in combination do not teach or suggest each and every element recited in the claim.

For reasons similar or somewhat similar to those described above with regard to independent claim 1, independent claims 2-7 are also believed to be patentable.

CONCLUSION

Claims 1-7 are in condition for allowance. In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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